

EXHIBIT C



August 15, 2014

VIA UPS

Martin B. Pavane

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Mr. Dan Mohs
CEO
Placon Corporation
6096 McKee Rd
Madison, WI 53719

Re: Placon Corp.'s Infringement of Sabert Corp.'s U.S. Patent No. D527,956

Dear Mr. Mohs:

We are counsel for Sabert Corporation ("Sabert"), a well-known designer, manufacturer, and distributor of containers for packaging, displaying, serving and storing food products.

For some time Sabert has been selling into the market a proprietary food container having a unique design, for which Sabert obtained U.S. Patent No. D527,956, entitled: "Combined Square Bowl and Lid" (copy enclosed).

It has come to Sabert's attention that Placon Corporation ("Placon") is selling a food container that is a copy of Sabert's proprietary container. The container in question ("Placon Container") is a clear, 12 oz. square bowl and lid measuring about 5" by 5", with a height of about 2.5" (see enclosed photograph). Sabert understands that Placon is selling the Placon Product at least to Quick Chek Food Stores, Inc. The harm to Sabert is self-evident.

As indicated in the enclosed Complaint for design patent infringement, which has not yet been filed, Sabert intends to pursue all available remedies against Placon's infringement. Available remedies include: (1) an injunction preventing Placon from making, using, offering for sale, and selling its infringing container, or importing its infringing container into the United States (35 U.S.C. § 283); (2) an order compelling Placon to deliver up for destruction any molds or other tools especially adapted for manufacture of the infringing containers (35 U.S.C. § 283); (3) a monetary award equal to the amount of damages suffered by Sabert as a result of Placon's infringement (35 U.S.C. § 284); (4) a monetary award equal to Placon's total profit from the sale of its infringing container (35 U.S.C. § 289) (5) trebling of the damages award (35 U.S.C. § 284); and (6) an award of attorneys' fees (35 U.S.C. § 285).

Sabert hereby demands that Placon (1) confirm in writing to the undersigned by no later than **August 25, 2014** that Placon has ceased all offers for sale and sales of the Placon Container, (2) provide the names and addresses for each party to whom the Placon Container has been sold and the number of units sold to each, (3) provide complete information regarding the number of Placon Containers currently in Placon's inventory, and (4) identify all molds and other tools especially adapted for manufacture of the Placon Container.

Mr. Dan Mohs
August 15, 2014
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In the absence of Placon's timely response, Sabert intends to file the enclosed Complaint in the United States District Court for the District of New Jersey.

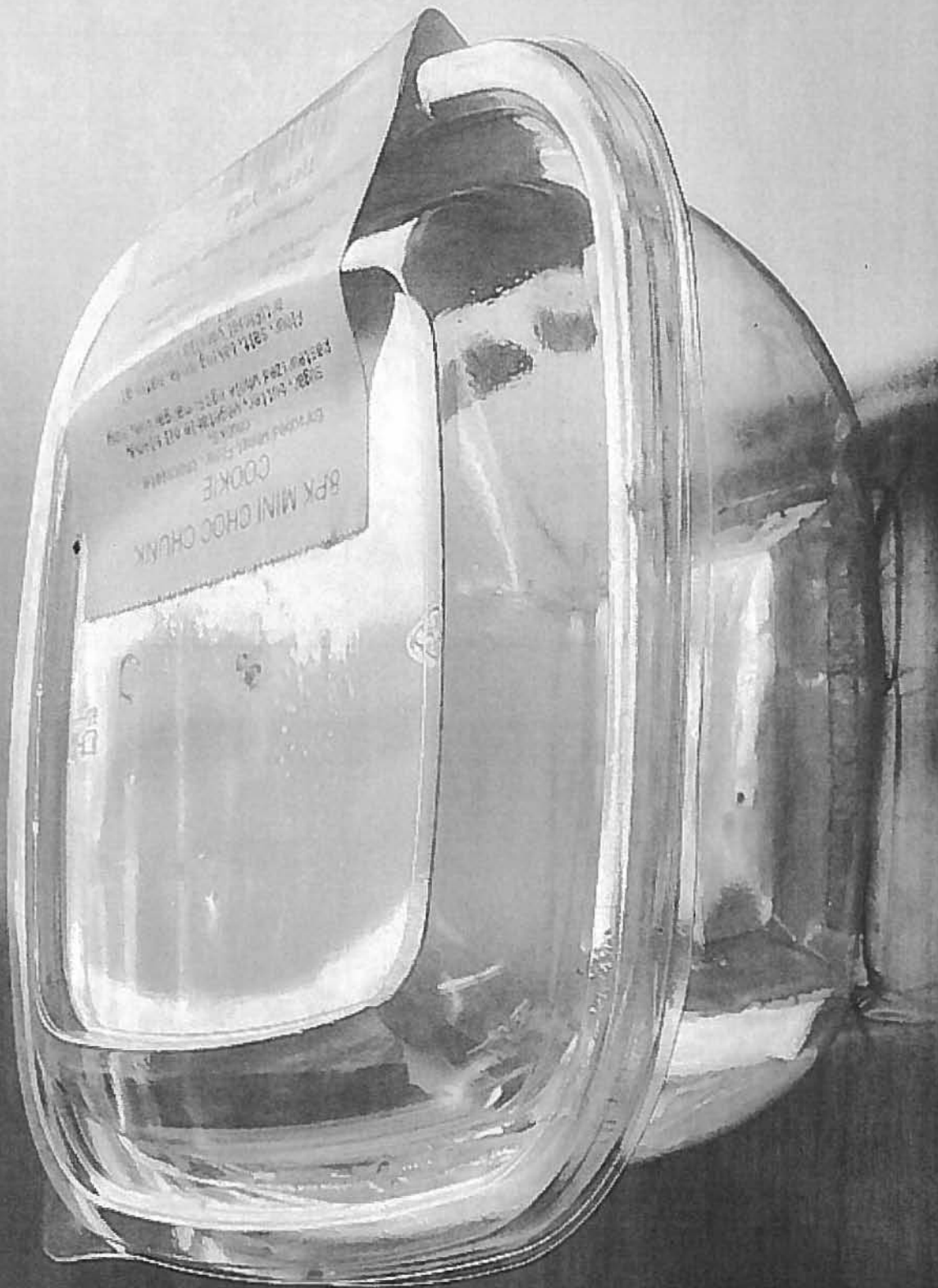
Nothing in this letter is intended, or should be understood, as constituting an exhaustive statement of our client's position or a waiver or limitation of any of its legal or equitable rights or remedies with respect to Placon's infringement of U.S. D527,956, and all such rights are expressly reserved

Sincerely,

COZEN O'CONNOR


By: Martin B. Pavane

MBP
Enclosures



GENERAL ALLEGATIONS

7. United States Patent No. D527,956 (“the ‘956 Patent”), entitled “COMBINED SQUARE BOWL AND LID,” was duly and legally issued by the United States Patent and Trademark Office on September 12, 2006. A true and correct copy of the ‘956 Patent is attached hereto as Exhibit A.
8. Sabert is the owner of the ‘956 Patent.
9. Sabert is a well-known designer, manufacturer and distributor of containers for packaging, displaying, serving and storing food products, including the combined square bowl and lid covered by Sabert’s ‘956 Patent (“Sabert’s Patented Container”).
10. Upon information and belief, Placon has manufactured, used, offered for sale and/or sold in the United States, and/or imported into the United States, food containers, including the clear 12 oz. square bowl and lid depicted in the photograph attached hereto as Exhibit B, that infringe Sabert’s ‘956 Patent.
11. Upon information and belief, employees of defendant Placon saw one or more of Sabert’s Patented Containers prior to the design and initial manufacture and sale in the United States and/or importation into the United States by or for defendant Placon of Placon’s infringing food containers.
12. Upon information and belief, employees of defendant Placon were aware of the ‘956 Patent prior to the design and initial manufacture by defendant Placon of Placon’s infringing food containers, and prior to any sale in the United States and/or importation into the United States of Placon’s infringing food containers.

13. On August 15, 2014, Sabert sent defendant Placon a letter notifying Placon of its infringement of Sabert's '956 Patent.

**COUNT I – CLAIM FOR PATENT INFRINGEMENT AGAINST
PLACON**

14. Sabert incorporates by reference paragraphs 1-13 of this Complaint as if fully set forth herein.
15. Upon information and belief, in violation of 35 U.S.C. § 271, Placon has made, used, offered for sale and/or sold, and/or imported into the United States, and continues to make, use, offer for sale and/or sell in New Jersey and elsewhere in the United States, and/or import into the United States, food containers, including the clear, 12 oz. square bowl and lid depicted in the photograph attached hereto as Exhibit B, that infringe the '956 Patent, and Placon will continue such infringement unless enjoined by this Court.
16. Upon information and belief, the acts of infringement by Placon alleged herein were and are willful, intentional and in conscious disregard of Sabert's rights under the '956 Patent.
17. As a result of Placon's infringement of the '956 Patent, Placon has made and will continue to make unlawful gains and profits, and Sabert has been and will continue to be deprived of revenue that it would otherwise have generated but for such infringement.
18. Sabert has been and will continue to be irreparably harmed by Placon's infringement of the '956 Patent.
19. As a result of Placon's acts of infringement, Placon has unjustly profited and Sabert has been damaged.
-

JURY DEMAND

Pursuant to Fed. R. Civ. P. 38(b), Sabert requests a trial by jury on all issues so triable.

PRAYER FOR RELIEF

Wherefore, Sabert prays for relief as follows:

- A. A judgment that Placon has infringed the '956 Patent;
- B. An order pursuant to 35 U.S.C. § 283 enjoining and restraining Placon, its officers, directors, agents, servants, employees, affiliates, attorneys and all others in active concert or participation with Placon, from infringing the '956 Patent;
- C. An order pursuant to 35 U.S.C. § 283 compelling Placon to deliver up for destruction any molds or other tools especially adapted for manufacture of the infringing containers;
- D. An accounting of Placon's sales of food containers that infringe the '956 Patent, including sales that occur after the close of fact discovery in this action;
- E. A judgment pursuant to 35 U.S.C. § 284 awarding Sabert its damages, but not less than a reasonable royalty, resulting from Placon's infringement of the '956 Patent, including damages suffered by Sabert as a result of Placon's acts of infringement of the '956 Patent subsequent to the close of fact discovery in this action;
- F. A judgment pursuant to 35 U.S.C. § 289 awarding Sabert an amount equal to Placon's total profits resulting from Placon's infringement;

- G. A judgment that Placon's infringement of the '956 Patent has been and is in willful, knowing and deliberate disregard of Sabert's patent rights, and awarding Sabert enhanced damages pursuant to 35 U.S.C. § 284;
- H. A judgment awarding Sabert its costs, disbursements and attorneys' fees incurred in prosecuting this action pursuant to 35 U.S.C. §§ 284 and/or 285;
- I. A judgment awarding Sabert pre- and post-judgment interest on any monetary award; and
- J. Such other and further relief as the Court may deem just, equitable, and proper.

COZEN O'CONNOR

Date: August 15, 2014

By: _____

COZEN O'CONNOR

Martin B. Pavane (*pro hac vice motion to be filed*)

Darren S. Mogil (*pro hac vice motion to be filed*)

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Attorneys for Plaintiff Sabert Corporation

20159075v1



US00D527956S

(12) **United States Design Patent** (10) **Patent No.:** **US D527,956 S**
Doliwa (45) **Date of Patent:** **** Sep. 12, 2006**

(54) **COMBINED SQUARE BOWL AND LID**

D475,620 S * 6/2003 Chen et al. D9/425

D490,278 S * 5/2004 Welsh D7/629

(75) Inventor: **Wojciech Doliwa**, Sayreville, NJ (US)

* cited by examiner

(73) Assignee: **Sabert Corporation**, Sayreville, NJ (US)

Primary Examiner—Terry A. Wallace

(74) *Attorney, Agent, or Firm*—Erza Sutton, Esq.

(**) Term: **14 Years**

(57) **CLAIM**

(21) Appl. No.: **29/243,360**

The ornamental designs for a combined square bowl and lid, as shown and described.

(22) Filed: **Nov. 23, 2005**

Related U.S. Application Data

(62) Division of application No. 29/205,921, filed on May 21, 2004, now abandoned.

(51) **LOC (8) Cl.** 07-01

(52) **U.S. Cl.** D7/629; D9/432

(58) **Field of Classification Search** D7/601,
D7/602, 629, 538-542; D9/424-432; 220/360,
220/366, 574, 780-806, 912, 913; 229/406,
229/407, 902-906

See application file for complete search history.

(56) **References Cited**

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4,412,630 A * 11/1983 Daenen 220/792
D355,814 S * 2/1995 VanValkenburg et al. D7/629
5,992,679 A * 11/1999 Porchia et al. 220/782
D439,159 S * 3/2001 Chen D9/425
D441,615 S * 5/2001 Dretzka D7/629
D450,983 S * 11/2001 Tucker et al. D7/629

DESCRIPTION

FIG. 1 is a front perspective view of a combined square bowl and lid embodying a first embodiment of my new design;

FIG. 2 is a front view thereof;

FIG. 3 is a rear view thereof;

FIG. 4 is a left side view thereof;

FIG. 5 is a right side view thereof;

FIG. 6 is a front perspective view of a combined square bowl and lid embodying a second embodiment of my new design;

FIG. 7 is a front view thereof;

FIG. 8 is a rear view thereof;

FIG. 9 is a left side view thereof;

FIG. 10 is a right side view thereof;

FIG. 11 is a front perspective view of a combined square bowl and lid embodying a third embodiment of my new design;

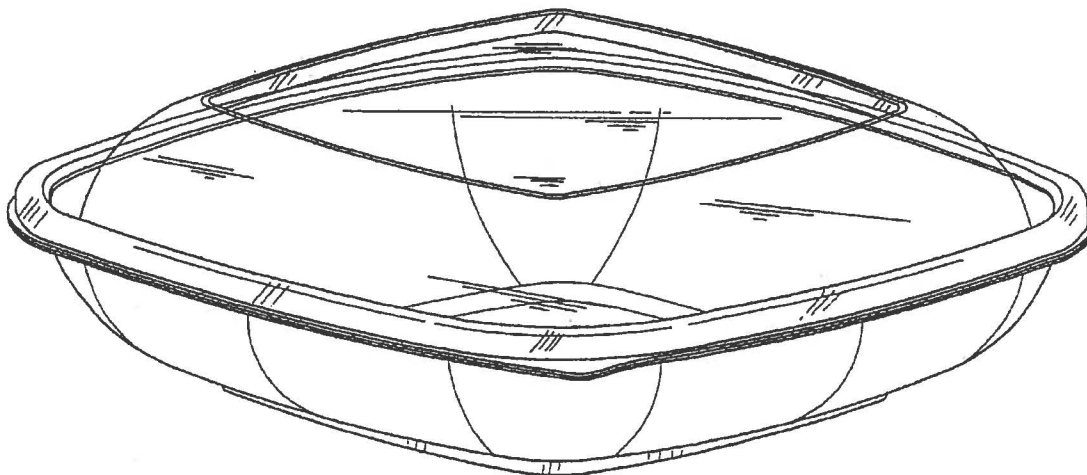
FIG. 12 is a front view thereof;

FIG. 13 is a rear view thereof;

FIG. 14 is a left side view thereof; and,

FIG. 15 is a right side view thereof.

1 Claim, 9 Drawing Sheets



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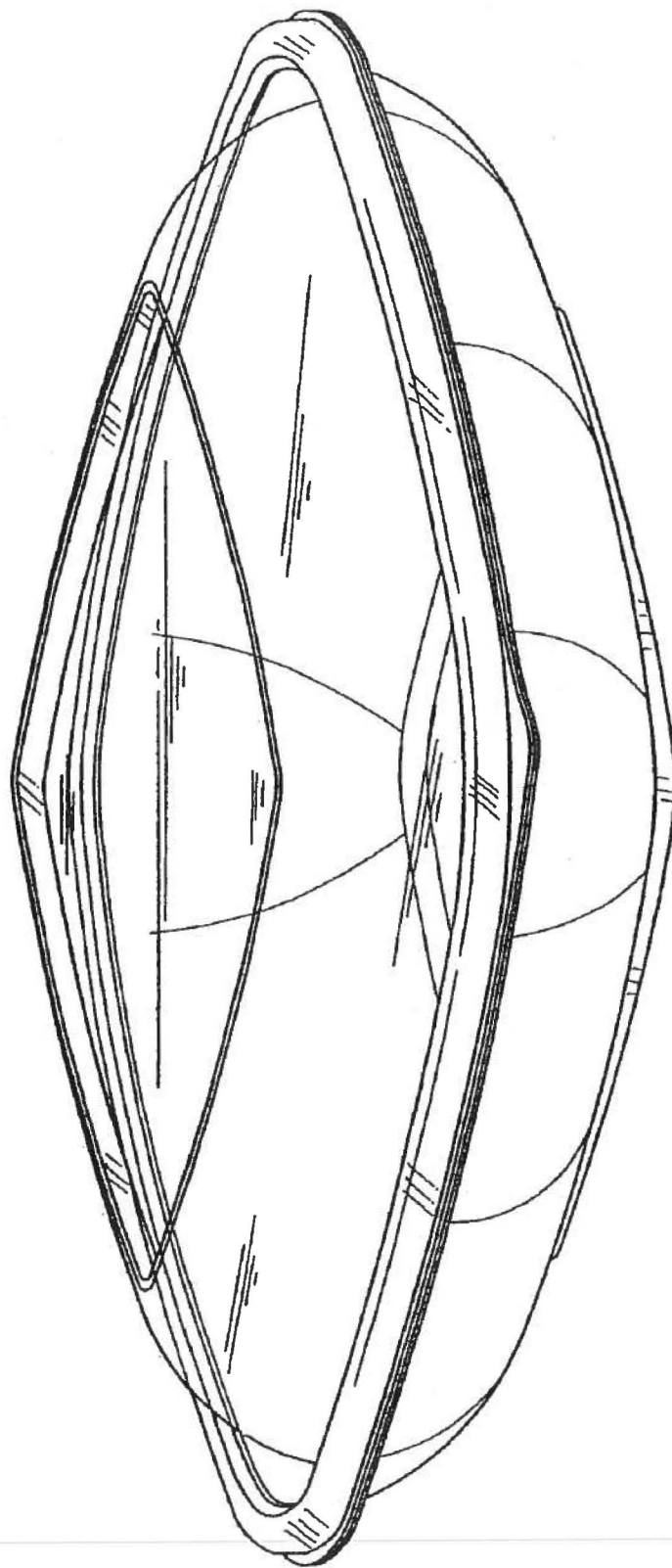


FIG. 1

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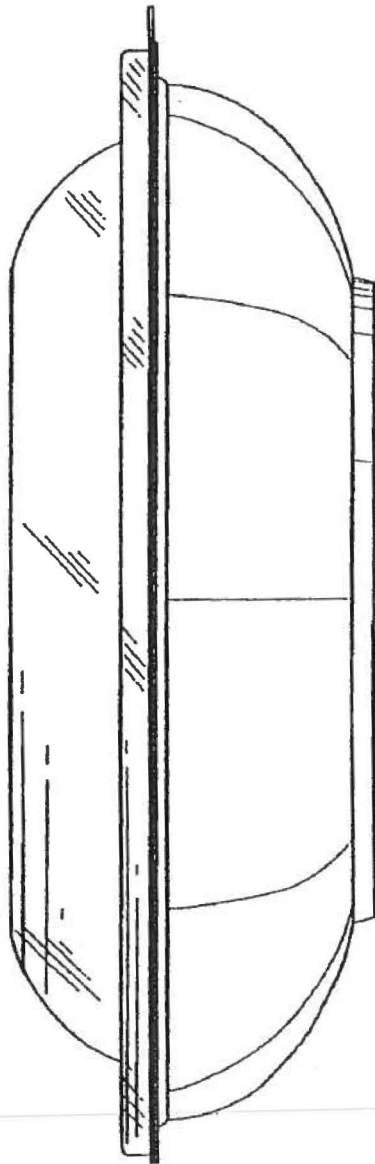


FIG. 2

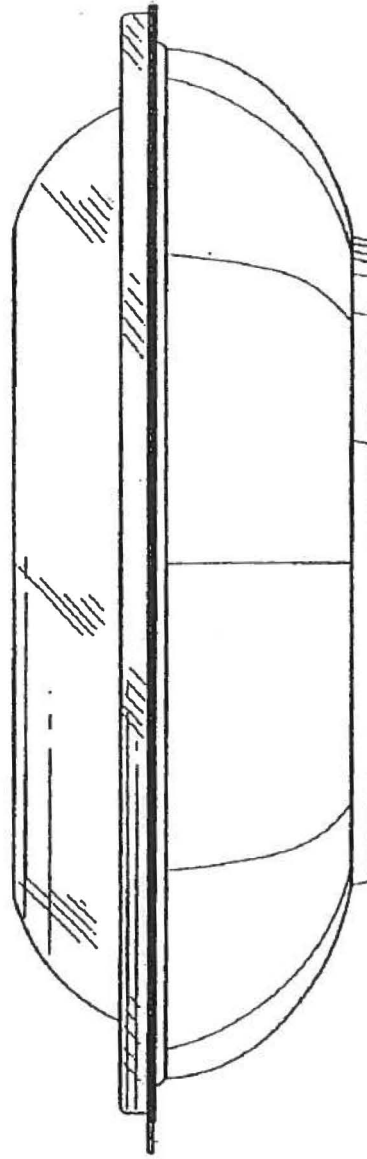


FIG. 3

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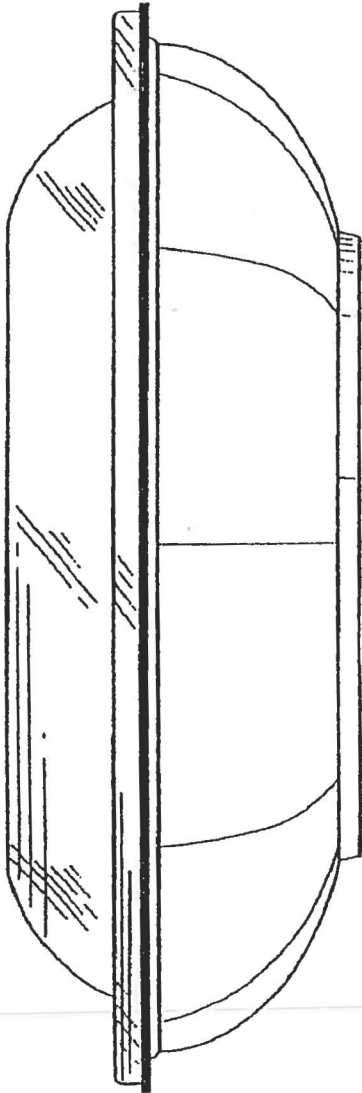


FIG. 4

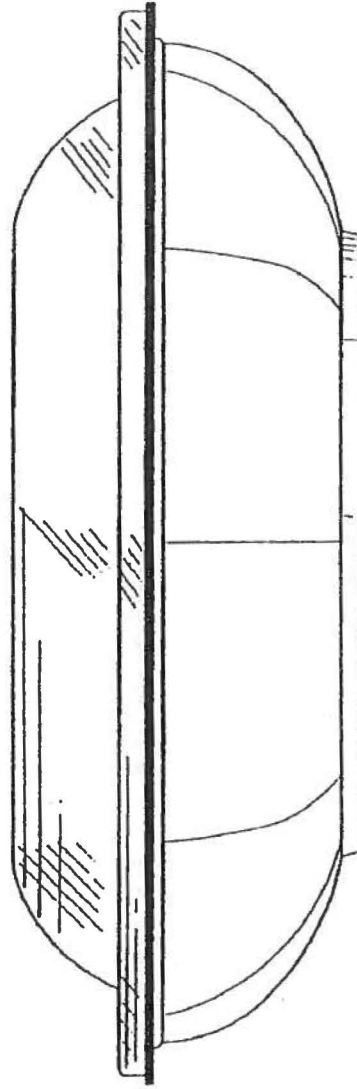


FIG. 5

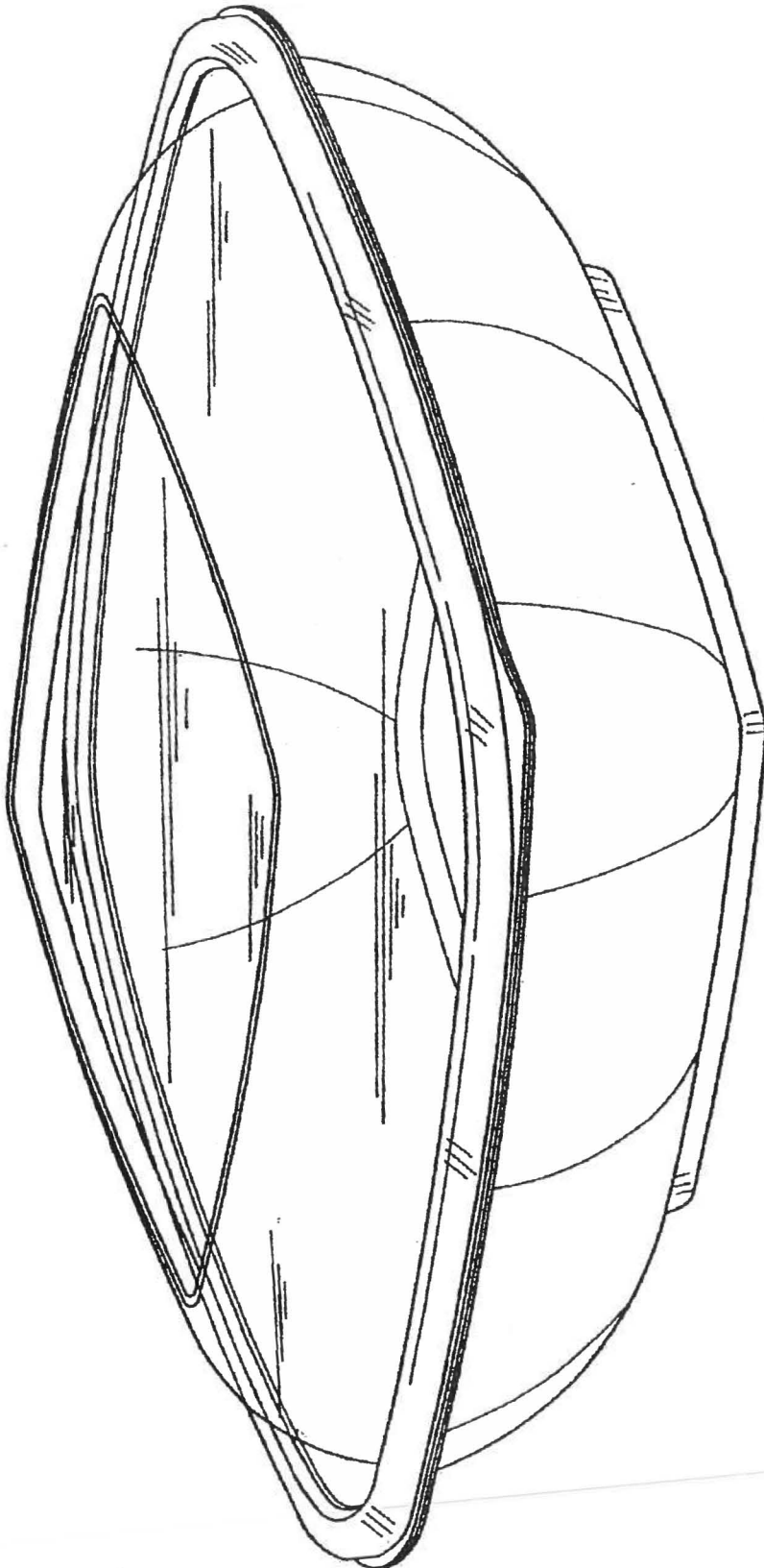


FIG. 6

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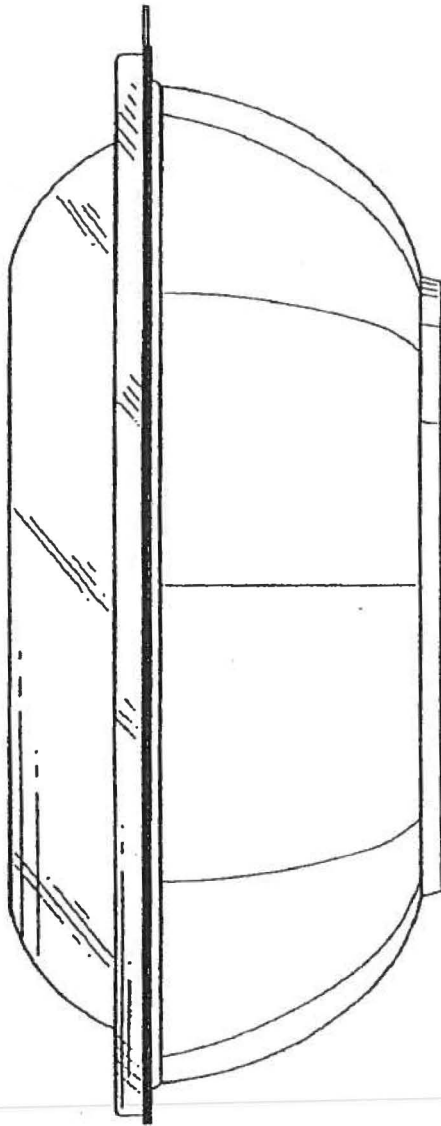


FIG. 7

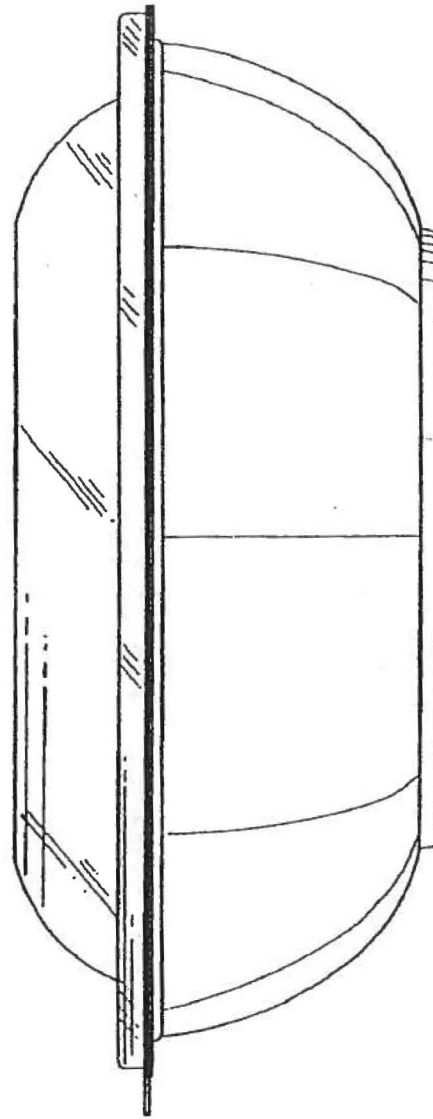


FIG. 8

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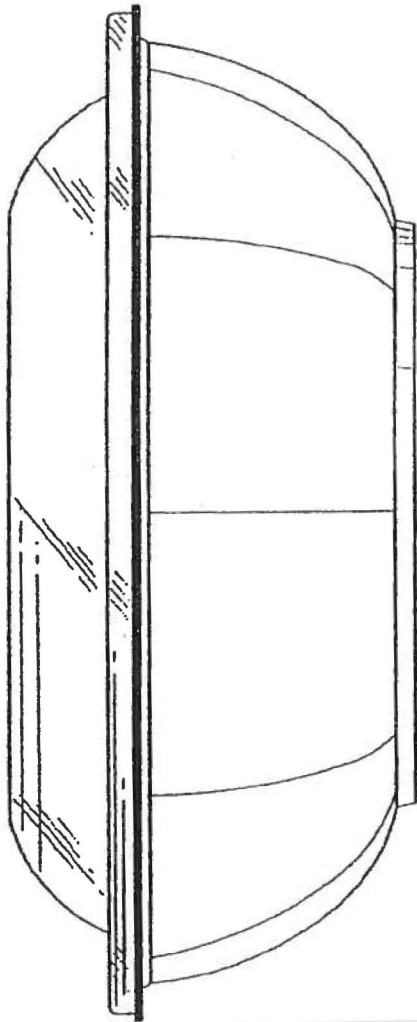


FIG. 9

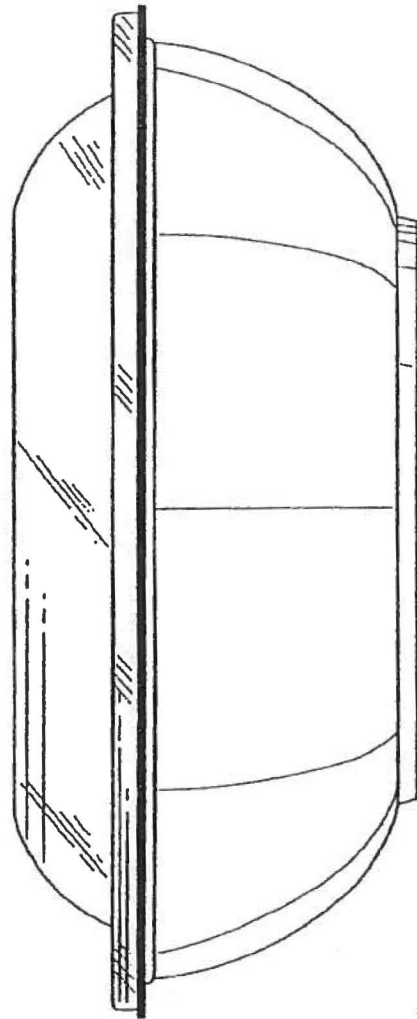


FIG. 10

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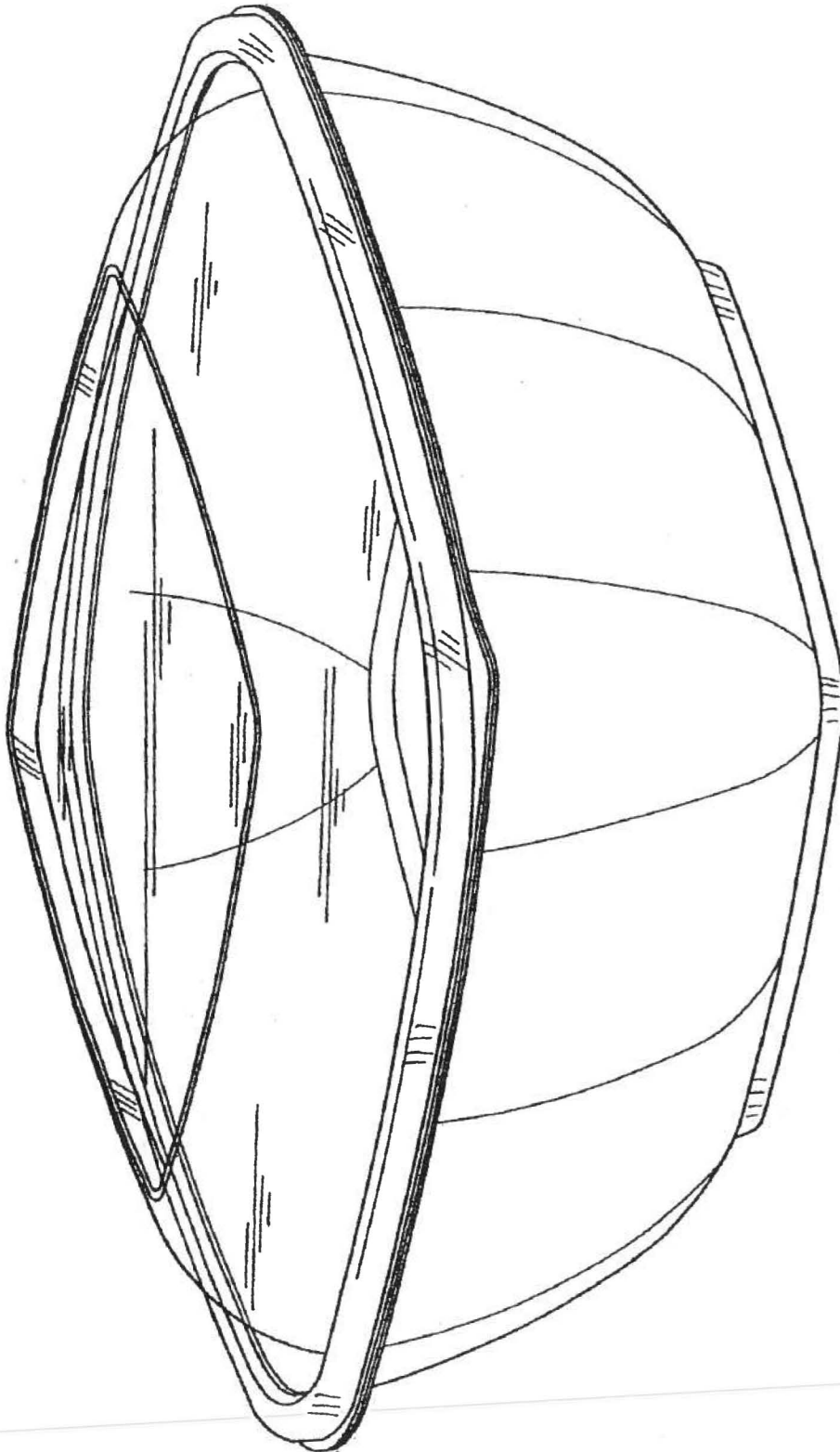


FIG. 11

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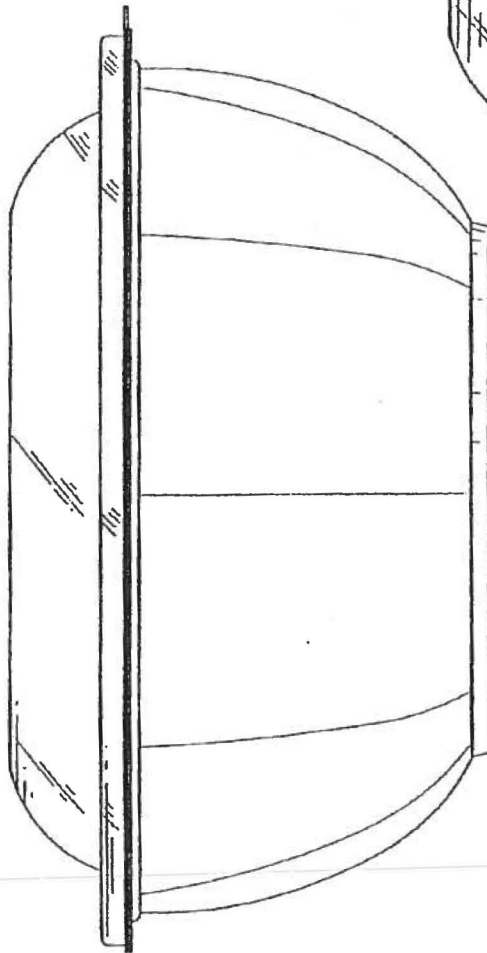


FIG. 12

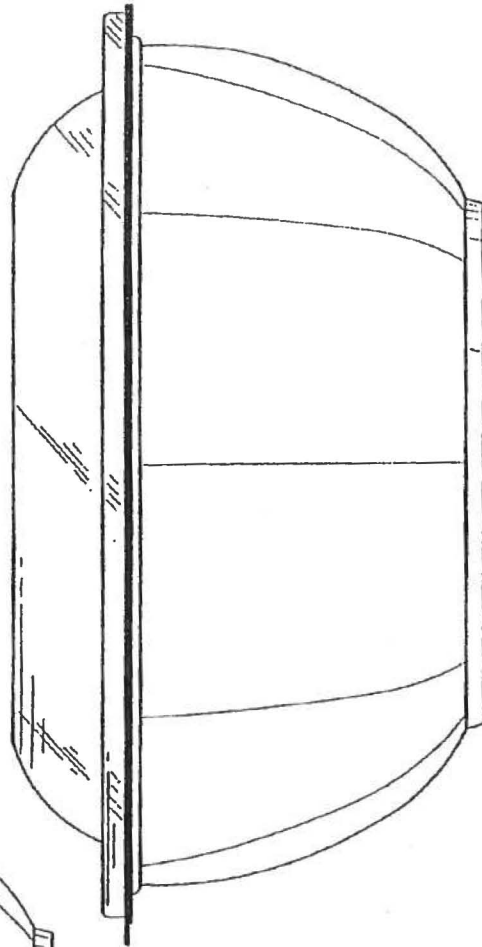


FIG. 13

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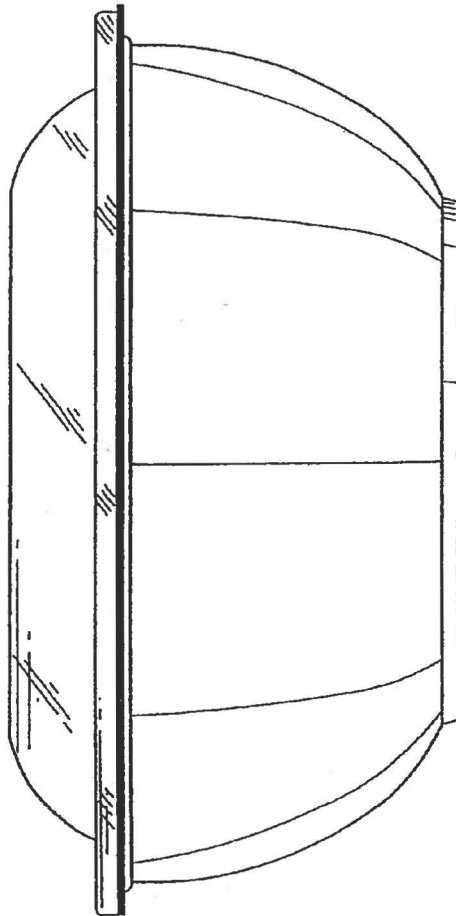


FIG. 14

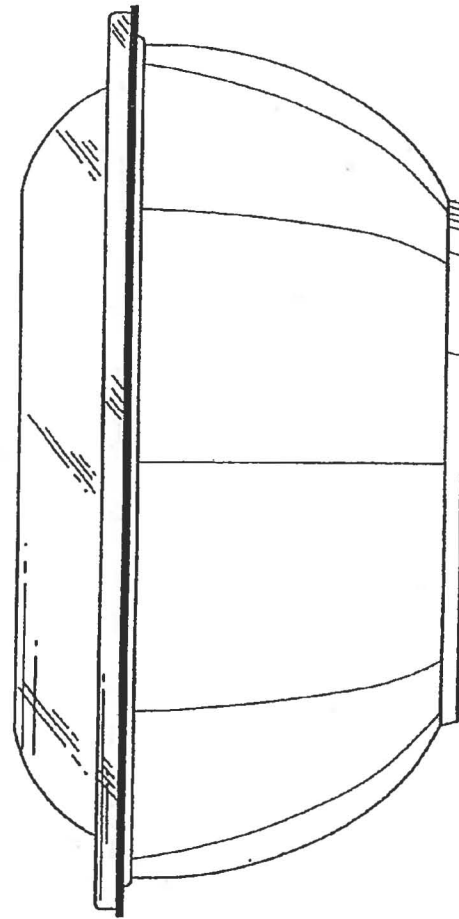


FIG. 15



US00D527956C1

(12) **EX PARTE REEXAMINATION CERTIFICATE** (6498th)
United States Patent
Doliwa

(10) **Number:** **US D527,956 C1**(45) **Certificate Issued:** **Oct. 28, 2008**(54) **COMBINED SQUARE BOWL AND LID**(75) **Inventor:** **Wojciech Doliwa**, Sayreville, NJ (US)(73) **Assignee:** **PNC Bank, National Association**, East Brunswick, NJ (US)(58) **Field of Classification Search** D7/629,
D7/601, 602, 538, 542; D9/424-426; 220/782
See application file for complete search history.(56) **References Cited****Reexamination Request:**

No. 90/010,077, Dec. 12, 2007

Reexamination Certificate for:**Patent No.:** **Des. 527,956****Issued:** **Sep. 12, 2006****Appl. No.:** **29/243,360****Filed:** **Nov. 23, 2005****U.S. PATENT DOCUMENTS**

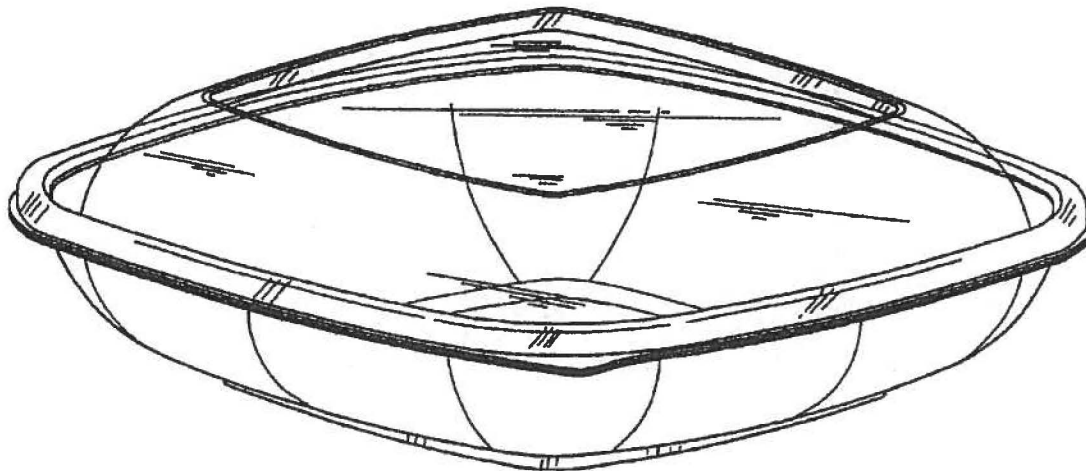
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D475,620 S	6/2003	Chen et al.
D475,621 S	6/2003	Buchalski et al.
D495,928 S	9/2004	Laib
D505,596 S	5/2005	Tucker et al.

OTHER PUBLICATIONS

"Freshpack™ all set to go" Brochure, Sabert Corporation, dated 1997, and filed with a Statement of Use in U.S. Trademark Application Serial No. 75/407,501 on Aug. 2, 1999.

Related U.S. Application Data

(62) Division of application No. 29/205,921, filed on May 21, 2004, now abandoned.

(51) **LOC (8) Cl.** 07-01(52) **U.S. Cl.** D7/629; D9/432*Primary Examiner*—Robert M. Spear

US D527,956 C1

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**EX PARTE
REEXAMINATION CERTIFICATE
ISSUED UNDER 35 U.S.C. 307**

AS A RESULT OF REEXAMINATION, IT HAS BEEN
DETERMINED THAT:

The patentability of the single design claim is confirmed.
The ornamental designs for a combined square bowl and
lid, as shown and described.

* * * * *



US00D527956C2

(12) **EX PARTE REEXAMINATION CERTIFICATE** (7229th)**United States Patent**
Doliwa(10) **Number:** **US D527,956 C2**(45) **Certificate Issued:** **Dec. 8, 2009**(54) **COMBINED SQUARE BOWL AND LID**(75) **Inventor:** **Wojciech Doliwa**, Sayreville, NJ (US)(73) **Assignee:** **PNC Bank, National Association**, East Brunswick, NJ (US)(51) **LOC (9) Cl.** **07-01**(52) **U.S. Cl.** **D7/629; D9/432**(58) **Field of Classification Search** **None**
See application file for complete search history.**Reexamination Request:**

No. 90/009,364, Mar. 18, 2009

(56)

References Cited**Reexamination Certificate for:**

Patent No.: **Des. 527,956**
Issued: **Sep. 12, 2006**
Appl. No.: **29/243,360**
Filed: **Nov. 23, 2005**

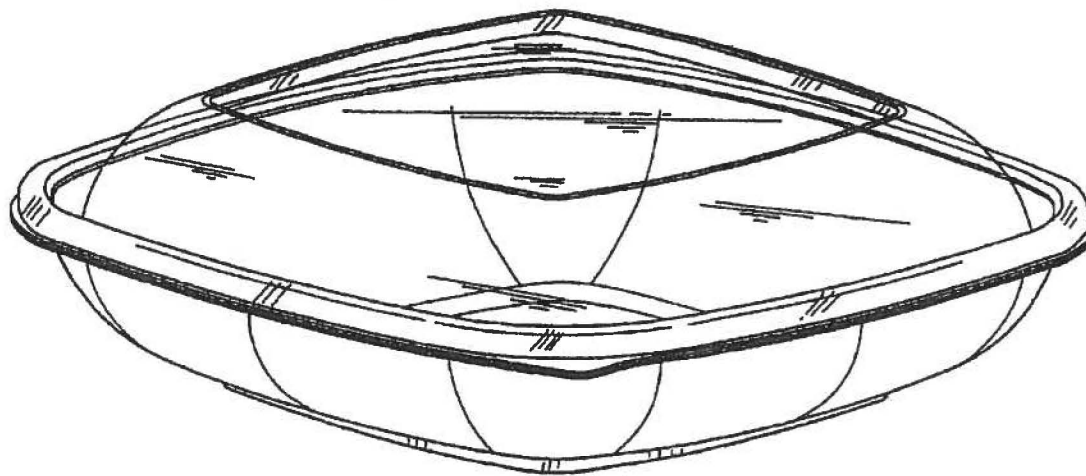
Reexamination Certificate C1 Des. 527,956 issued Oct. 28, 2008

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D440,829 S	4/2001	Brown	D7/629
D450,983 S	11/2001	Tucker et al.	D7/629
D475,620 S	6/2003	Chen et al.	D9/425
D505,596 S	5/2005	Tucker et al.	D7/629

Related U.S. Application Data

(62) Division of application No. 29/205,921, filed on May 21, 2004, now Pat. No. Des. 588,417.

Primary Examiner—Robert M Spear

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EX PARTE
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